

Jury Trial - Volume 6
November 20, 2017

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-15-324-C
)	
SOUTHEASTERN OKLAHOMA STATE)	
UNIVERSITY and THE REGIONAL)	
UNIVERSITY SYSTEM OF)	
OKLAHOMA,)	
)	
Defendants.)	

VOLUME 6

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE ROBIN J. CAUTHRON
MONDAY, NOVEMBER 20, 2017; 12:10 p.m.
OKLAHOMA CITY, OKLAHOMA

Proceedings recorded by mechanical stenography,
transcript produced by computer.

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1 (Proceedings held on November 20, 2017.)

2 (The following proceedings were had outside the presence
3 of the jury with all counsel present.)

4 THE COURT: We are on the record and outside the
5 presence of the jury.

6 I have received a note indicating the jury has reached a
7 verdict with the same initials. I don't know who that is.

8 I want to make a record on the two instructions I have
9 given to the jury. One was regarding going home on Friday,
10 and the second was this morning in response to their question
11 regarding pay.

12 I just want the record to reflect that both of these
13 responses were by agreement of counsel.

14 Do you confirm that, Mr. Young?

15 MR. YOUNG: Yes, Your Honor.

16 MS. COFFEY: Yes, Your Honor.

17 THE COURT: And Ms. Coffey? All right.

18 I indicated, during the trial, that the daily copy
19 transcript should not be posted online at least until the end
20 of the trial.

21 I've done some work on trying to resolve that in my own
22 mind. There are instructions on the public website for our
23 court which indicate that they are not avail- -- they should
24 not be available to download for 90 days -- I suppose after
25 the verdict?

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1 Would you think after the verdict or after judgment?
2 Ninety days maybe after they're prepared and handed to you.
3 I'm not sure.

4 THE REPORTER: I think after they're filed.

5 THE COURT: After they're filed. That would make
6 sense.

7 Until that time, they can be reviewed but not copied in
8 the clerk's office. After that time, they're available to
9 anyone who has a PACER account.

10 So I would instruct you, Mr. Young, to make sure those
11 are not posted online until 90 days after they're filed, when
12 they would be available anyway.

13 MR. YOUNG: Yes, Your Honor.

14 THE COURT: Is there anything else from counsel
15 before I have the jury brought in?

16 MR. YOUNG: Nothing from plaintiff, Your Honor.

17 MS. COFFEY: No, Your Honor.

18 THE COURT: You know that your exhibits will be
19 returned to you. You are in charge of preserving them for any
20 appeal.

21 Please have the jury brought in.

22 (Jury enters courtroom.)

23 MR. BUNSON: We're missing one.

24 THE COURT: I know.

25 JUROR TAYLOR: You're still missing one.

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1 THE COURT: We'll wait. I'm assuming he is here.

2 Ms. Fields, are you the presiding juror?

3 JUROR FIELDS: Uh-huh.

4 THE COURT: Has the jury reached its verdict?

5 JUROR FIELDS: Yes.

6 THE COURT: Would you hand the Form of Verdict to
7 the bailiff, please?

8 JUROR FIELDS: Uh-huh.

9 THE COURT: I will read the verdict at this time.

10 In the case of Dr. Tudor vs. Southeastern Oklahoma State
11 University and the Regional University System, we, the jury,
12 impaneled and sworn in the above-entitled cause, upon our oath
13 finds as follows:

14 Section I, Hostile Work Environment Claim. Has the
15 plaintiff proven by a preponderance of the evidence her
16 hostile work environment claim?

17 The answer is "no."

18 Section II, Discrimination Claims 2009-10. Has plaintiff
19 proven by a preponderance of the evidence that she was denied
20 tenure in 2009-10 because of her gender?

21 The answer is "yes."

22 Section III, Discrimination Claims 2010-11. Has
23 plaintiff proven by a preponderance of the evidence that
24 defendants' decision to deny plaintiff the opportunity to
25 apply for tenure in the 2010-11 cycle was because of her

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1 gender?

2 The answer is "yes."

3 Section IV, Retaliation Claim. Has plaintiff proven by a
4 preponderance of the evidence that, in retaliation for
5 plaintiff's complaint about workplace discrimination,
6 defendants denied plaintiff the opportunity to reapply for
7 tenure in the 2010-11 cycle?

8 The answer is "yes."

9 Section V, If you have answered yes to any of the above,
10 set the amount of damages to which plaintiff is entitled.

11 And the answer is \$1,165,000.

12 This is dated today's date and signed by Ms. Fields as
13 the presiding juror.

14 Members of the jury, for each of you I have this
15 question: Is this your verdict?

16 Ms. Taylor?

17 JUROR TAYLOR: Yes.

18 THE COURT: Mr. Payton?

19 JUROR PAYTON: Yes.

20 THE COURT: Ms. Hall?

21 JUROR HALL: Yes.

22 THE COURT: Ms. Fields?

23 JUROR FIELDS: Yes.

24 THE COURT: Mr. Mallory?

25 JUROR MALLORY: Yes.

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1 THE COURT: Ms. Norton?

2 JUROR NORTON: Yes.

3 THE COURT: Ms. Morse?

4 JUROR MORSE: Yes.

5 THE COURT: And Ms. Rogers?

6 JUROR ROGERS: Yes.

7 THE COURT: Members of the jury, that concludes your
8 service in this case and your service in this term of court.

9 I cannot thank you enough. I know that you now know this
10 is a much more difficult job than you thought it would be
11 coming in.

12 You've obviously given this case a great deal of
13 consideration, thought, energy, and effort. And we appreciate
14 it.

15 This system of justice may not be the best, but it's the
16 best yet devised, and it relies entirely on people like you to
17 give us your time and energy to resolve these disputes.

18 I thank you very much. I know that all counsel and
19 parties here in the courtroom thank you as well.

20 I will instruct you -- do they need to stop by
21 downstairs? They probably do.

22 THE CLERK: I wouldn't think so.

23 THE COURT: Unless you need something, like a note
24 for your employer, I don't think you need to stop by
25 downstairs.

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1 I am comfortable in telling you this concludes your
2 service for this term of court unless you hear from somebody
3 to come back, and I'm just pretty sure you won't.

4 You've done your jobs this time, and we thank you. I'll
5 excuse you, have you follow the bailiff to collect your things
6 in the deliberation room.

7 (Jury exits courtroom.)

8 THE COURT: I will instruct the -- well, I won't
9 enter judgment on this verdict until I've resolved the
10 questions of restatement and front pay.

11 I think a short round of briefing might be helpful on
12 that.

13 Will there be additional evidence, Mr. Young?

14 MR. YOUNG: Honestly, Your Honor, would it be
15 possible for us to think about it? I'd just like to look over
16 the transcript and make sure it's sufficient.

17 THE COURT: Ms. Coffey, do you know at this point?

18 MS. COFFEY: Yes, Your Honor, there will be
19 additional evidence.

20 THE COURT: I'd like you to give me the law first
21 and, if it's possible, to treat it much like a motion for
22 summary judgment with affidavits and documentary evidence.

23 If you know for certain you need testimony, then I would
24 ask that you include that in your briefing as to what you need
25 to introduce in addition to all of that.

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1 Let's say -- let's give you-all the week off since it's
2 Thanksgiving.

3 What would 14 days from next Monday be? Do you have a
4 calendar? Oh, I have a calendar. Maybe the 11th of December.
5 Does that sound good --

6 MS. NOVOTNY: Yes.

7 THE COURT: -- for plaintiff's brief.

8 Then I don't think you'll need the full 14 days. Let's
9 have defendants' brief on the 20th and any reply by the 29th
10 given the intervening Christmas holidays.

11 I will -- as I said, I'm not going to enter judgment on
12 the jury's verdict until I have an answer on the other, I
13 think. I don't know why I should or would.

14 Does it make any difference to you?

15 MR. YOUNG: It would make a difference, I think to
16 plaintiffs as well as defendants, because we're entitled to
17 costs and fees.

18 I believe the cost application is due 14 days from the
19 date you enter judgment on the verdict.

20 THE COURT: Okay. Well, I'll just not enter
21 judgment then.

22 MR. YOUNG: Okay.

23 THE COURT: Anything else? I don't know if I asked
24 that or not.

25 MS. COFFEY: Your Honor, is this the appropriate

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1 time, or do we submit it at some point later, for judgment
2 notwithstanding the verdict on behalf of defendants?

3 THE COURT: I would say if you want to file a
4 written motion, the same schedule would apply. Fourteen days
5 from Monday would be your opening brief on that.

6 As counsel are aware, under our local rules, you are not
7 permitted to contact the jurors or speak to them.

8 If they want to contact you, they may, but they won't.
9 If you want to ask my permission to contact them, you may, but
10 I won't give it, so just to give you a head's up on that.
11 We'll be adjourned.

12 (Adjourned at 12:15 p.m.)
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REPORTER'S CERTIFICATE

I, SHERRI GRUBBS, Federal Official Court Reporter in
and for the United States District Court for the Western
District of Oklahoma, do hereby certify that pursuant to
Section 753, Title 28, United States Code that the foregoing
is a true and correct transcript of the stenographically
reported proceedings held in the above-entitled matter and
that the transcript page format is in conformance with the
regulations of the Judicial Conference of the United States.

Dated this 20th day of November, 2017.

/S/ SHERRI GRUBBS

SHERRI GRUBBS, RPR, RMR, RDR, CRR
State of Oklahoma CSR No. 1232.
Federal Official Court Reporter